

Attorney Docket No.: **DEX-0548**
Inventors: **Macina et al.**
Serial No.: **10/538,001**
Filing Date: **March 17, 2006**
Page 2

REMARKS

Claims 1-18 are pending in the instant application.

Claims 1-18 have been subjected to the following Restriction Requirement:

Group I, claims 1-10 and 15-18, drawn to nucleic acids, nucleic acid molecular hybridization assays, vectors, transformed host cells, methods for producing polypeptides, kits, polynucleotide vaccines and methods for treatment using nucleic acids;

Group II, claims 11, 12 and 16-18, drawn to polypeptides, kits, polypeptide vaccines, and methods of treating using polypeptides; and

Group III, claims 13-15, drawn to antibodies and protein binding assays.

The Examiner suggests that Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Further, with respect to claims 1-10 and 15-18 and 11-18, the Examiner is requiring Applicants to elect an individual nucleic acid sequence or polypeptide sequence, respectively.

Applicants respectfully traverse this Restriction

Attorney Docket No.: **DEX-0548**
Inventors: **Macina et al.**
Serial No.: **10/538,001**
Filing Date: **March 17, 2006**
Page 3

Requirement.

Applicants respectfully disagree with the Examiner that claims 1-18 do not share a special technical feature, particularly when limited to a single cancer specific marker. Applicants believe an elected nucleic acid sequence, as well as the protein encoded thereby and antibodies thereto share the special technical feature of being useful in diagnosing cancer.

Further, a search of the art relating to an elected nucleic acid sequence should reveal art relating to the protein encoded thereby and antibodies thereto.

Accordingly, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group I, claims 1-10 and 15-18, for a nucleic acid molecule comprising a nucleic acid sequence that encodes an amino acid sequence of SEQ ID NO: 174 and a nucleic acid molecule comprising a nucleic acid sequence of SEQ ID NO: 70, with traverse.

Attorney Docket No.: **DEX-0548**
Inventors: **Macina et al.**
Serial No.: **10/538,001**
Filing Date: **March 17, 2006**
Page 4

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathleen A. Tyrrell".

Kathleen A. Tyrrell
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Date: **November 5, 2007**

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